

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

CHARLES BRIZENDINE,

Plaintiff,

VS.

CITY OF OMAHA, et al.,

Defendants.

8:07CV277

ORDER AND NOTICE OF HEARING

This matter is before the magistrate judge by consent of the parties. On April 16, 2008, attorney Timothy L. Ashford filed a Motion for leave to withdraw as plaintiff's counsel [26]. Because there is a dispositive motion pending and substitute counsel has not entered an appearance, the matter will be set for hearing as to the withdrawal of counsel and the briefing schedule for the defendants' pending Motion for Summary Judgment [19].

If Mr. Ashford is allowed to withdraw, and substitute counsel does not enter an appearance, Charles Brizendine will be deemed to be proceeding *pro se*. In that event, Mr. Brizendine will be required to file a notice of his current address and telephone number. Mr. Brizendine is advised that he may retain substitute counsel at any time; however, until such time as substitute counsel enters a written appearance, he will be required to personally comply with all orders of this court, the Federal Rules of Civil Procedure, and the Local Rules of Practice. Failure to comply with these requirements may result in the imposition of sanctions, including payment of costs and attorney's fees and/or the dismissal of the complaint, pursuant to Rule 37 of the Federal Rules of Civil Procedure.

IT IS ORDERED:

1. The motion to withdraw [26] and accompanying motion for continuance [26] are set for hearing on **Monday, May 5, 2008 at 11:00 a.m.** in Courtroom 6, second floor, Roman L. Hruska U.S. Courthouse, 111 S. 18th Plaza, Omaha, Nebraska.

2. Timothy L. Ashford and plaintiff, Charles Brizendine, are both required to personally attend the hearing.

3. Mr. Ashford shall, no later than **April 23, 2008**, serve a copy of this Order and Notice of Hearing on Charles Brizendine at his last known address.

4. Mr. Ashford shall, no later than **April 30, 2008**, timely file **proof of service** showing compliance with paragraph 3, above, and listing the names and addresses of the persons to whom notice was sent.

DATED April 17, 2008.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**